

SENATE BILL 42

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2003 Regular Session
3r0404
CF 3r0210

By: **Senator Green**

Introduced and read first time: January 16, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Circuit Courts - Military Discharge Papers - Limitation on Inspections and**
3 **Certified Copies**

4 FOR the purpose of requiring a clerk of court to deny inspection of the book and index
5 containing the record of a person's military discharge papers in the clerk of
6 court's office except for certain persons; limiting the provision by a clerk of court
7 of a certified copy of the record of certain military discharge papers to certain
8 persons; defining a certain term; and generally relating to military discharge
9 papers recorded and indexed by a clerk of court.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 2-207
13 Annotated Code of Maryland
14 (2002 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article - State Government
17 Section 10-611(e)
18 Annotated Code of Maryland
19 (1999 Replacement Volume and 2002 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Courts and Judicial Proceedings**

23 2-207.

24 (a) FOR PURPOSES OF THIS SECTION, "PERSON IN INTEREST" HAS THE
25 MEANING STATED IN § 10-611 OF THE STATE GOVERNMENT ARTICLE.

26 (B) The clerk of the circuit court of each county shall keep a book and record
27 and index in the book the discharge papers of any person who:

1 (1) At any time has served in the armed forces of the United States; and

2 (2) Presents the discharge papers of the person for recording.

3 [(b)] (C) A clerk may not charge a fee for recording or indexing discharge
4 papers.

5 [(c)] (D) The record kept by the clerk, or a certified copy of the record, is
6 admissible in evidence in any court in the State.

7 (E) (1) A CLERK SHALL DENY INSPECTION OF THE BOOK, AND THE RECORD
8 AND INDEX IN THE BOOK, DESCRIBED IN THIS SECTION TO A PERSON EXCEPT:

9 (I) A PARTY IN A CASE, OR THE PARTY'S ATTORNEY IN THE CASE,
10 WHO PRESENTS EVIDENCE SATISFACTORY TO THE CLERK THAT THE INSPECTION IS
11 RELATED TO ADMITTING THE RECORD OR A CERTIFIED COPY OF THE RECORD IN
12 EVIDENCE IN A CASE; OR

13 (II) A PERSON IN INTEREST.

14 (2) A CLERK MAY PROVIDE A CERTIFIED COPY OF A RECORD DESCRIBED
15 IN THIS SECTION ONLY TO:

16 (I) A PARTY IN A CASE, OR THE PARTY'S ATTORNEY IN THE CASE,
17 WHO PRESENTS EVIDENCE SATISFACTORY TO THE CLERK THAT THE CERTIFIED
18 COPY IS FOR THE PURPOSE OF ADMISSION IN EVIDENCE IN THE CASE; OR

19 (II) A PERSON IN INTEREST.

20 **Article - State Government**

21 10-611.

22 (e) "Person in interest" means:

23 (1) a person or governmental unit that is the subject of a public record or
24 a designee of the person or governmental unit;

25 (2) if the person has a legal disability, the parent or legal representative
26 of the person; or

27 (3) as to requests for correction of certificates of death under §
28 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult
29 sibling, grandparent, or guardian of the person of the deceased at the time of the
30 deceased's death.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2003.